

REMARKS

By the foregoing Amendment, Claims 20 and 22 have been amended. Favorable reconsideration of the application is respectfully requested.

The Examiner objected to the format of the information disclosure statement filed December 8, 2003. The Examiner indicated that 37 CFR §1.98(a)(1) requires "a column that provides a blank space next to each document to be considered, for the examiner's initials; and a heading that clearly indicates that the list is an information disclosure statement," but it is respectfully submitted that 37 CFR §1.98(a)(1) only requires a "list of all patents, publications, applications, or other information submitted for consideration by the Office," which was fulfilled by the information disclosure statement filed December 8, 2003. For the Examiner's convenience, a new Form 1449 cleanly listing the references cited in the information disclosure statement filed December 8, 2003 is attached.

Claim 22 was rejected under 35 U.S.C. 112, second paragraph, on the grounds of indefiniteness. The Examiner indicated that Claim 22 was not clear as to whether the combination of an endoluminal therapeutic device and an endoluminal delivery device was claimed, or the delivery device. In order to clarify Claim 22 to more clearly relate to the claimed endoluminal delivery device, Claim 22 has been amended to recite "wherein said tubular distal tip captures a stem portion of the endoluminal therapeutic device," so that the stem portion is not positively recited as an element claimed, and it is

consequently believed that the rejection of Claim 22 on the grounds of indefiniteness can be withdrawn.

Claims 20-23 were rejected under 35 U.S.C. 102(b) on the grounds of anticipation by Yurek et al., disclosing a rolling membrane stent delivery device including a flexible outer catheter 18 with a rolling membrane sheath 22 having inner and outer sheath layers converging to form a distal tip 26 having an opening of reduced size, and an inner catheter 28 for containing a guidewire 32 extending beyond the distal tip. Claim 20 has been amended to recite "an elongated pusher member coaxially disposed within the elongated flexible tubular catheter and having a distal end adapted to contact and dislodge the portion of the endoluminal therapeutic device from said tubular distal tip." In Yurek et al., the inner catheter 28 remains attached to the inner sheath layer 46 containing the stent 56, preventing inner catheter 28 from contacting and dislodging the stent 56. Instead, to release the stent, the outer catheter 18 is moved proximally to roll the membrane away from the stent, allowing the stent to radially expand. It is therefore respectfully submitted that Claims 20-23 are novel and inventive over Yurek et al., and that the rejection of Claims 20-23 on the grounds of anticipation by Yurek et al. should be withdrawn.


Claims 20-23 were rejected under the judicially created doctrine of obviousness-type double patenting in view of claims 1-3 of U.S. Patent No. 6,679,903. Claims 20-22 were rejected under the judicially created doctrine of obviousness-type double patenting in view of claims 1-3 of U.S. Patent No. 6,319,267. Claims 20-22 were rejected under the judicially created doctrine of obviousness-type double patenting in view of claims 1-

15 of U.S. Patent No. 6,102,932. It is believed with the enclosed corrected Terminal Disclaimer requested by the Examiner, the rejections on the grounds of obviousness-type double patenting can be withdrawn. A check covering the fee for the filing of the Terminal Disclaimer is enclosed.

In light of the foregoing amendments and remarks, it is respectfully submitted that the application should now be in condition for allowance, and an early favorable action in this regard is respectfully requested.

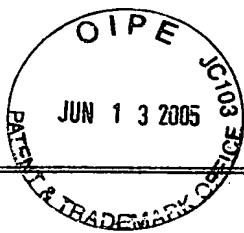
Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By: 
David G. Parkhurst
Reg. No. 29,422

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U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

ATTY. DOCKET NO.

MICRU 66414

SERIAL NO.

10/731,631

INFORMATION DISCLOSURE CITATION

(Use Several Sheets If Necessary)

APPLICANT

DANIEL R. KURZ

FILING DATE

Dec. 8, 2003

GROUP

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U.S. PATENT DOCUMENTS

| EXAMINER INITIAL | DOCUMENT NUMBER | DATE | NAME | CLASS | SUB CLASS | FILING DATE IF APPLICABLE |
|---------------------|-----------------|-------------------|------------------|-------|--------------|------------------------------|
| | 3,868,956 | MARCH 4, 1975 | ALFIDI ET AL. | | | |
| | 4,494,531 | JANUARY 22, 1985 | GIANTURCO | | | |
| | 4,512,338 | APRIL 23, 1985 | BALKO ET AL. | | | |
| | 4,748,986 | JUNE 7, 1988 | MORRISON ET AL. | | | |
| | 4,994,069 | FEBRUARY 19, 1991 | RITCHART ET AL. | | | |
| | 5,026,377 | JUNE 25, 1991 | BURTON ET AL. | | | |
| | 5,108,407 | APRIL 28, 1992 | GEREMIA ET AL. | | | |
| | 5,122,136 | JUNE 16, 1992 | GUGLIELMI ET AL. | | | |
| | 5,217,484 | JUNE 8, 1993 | MARKS | | | |
| | 5,228,453 | JULY 20, 1993 | SEPETKA | | | |
| | 5,250,071 | OCTOBER 5, 1993 | PALERMO | | | |

FOREIGN PATENT DOCUMENTS

| | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUB CLASS | TRANSLATION | |
|--|-----------------|---------------|----------------|-------|--------------|-------------|----|
| | | | | | | YES | NO |
| | DE 4102550 A1 | 08/08/1991 | GERMANY | | | | |
| | UK 2 066 839 A | 15 JULY 1981 | UNITED KINGDOM | | | | |
| | EP 0 183372 A1 | 04.06.86 | EUROPE | | | | |
| | EP 0 382014 A1 | 16.08.90 | EUROPE | | | | |
| | 592.182 | 28 JULY, 1925 | FRANCE | | | | |

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

| | |
|------------|--|
| REFERENCES | CHRISTOS A. ATHANASOULIS, M.D. THE NEW ENGLAND JOURNAL OF MEDICINE, MAY 15, 1980 "THERAPEUTIC APPLICATIONS OF ANGIOGRAPHY" PAGES 1117 - 1125 (1 OF 2) |
| | CHRISTOS A. ATHANASOULIS, M.D. THE NEW ENGLAND JOURNAL OF MEDICINE, MAY 22, 1980 "THERAPEUTIC APPLICATIONS OF ANGIOGRAPHY" PAGES 1174 - 1179 (2 OF 2) |
| | ALEX BERENSTEIN, M.D. AND IRVIN I. KRICHEFF, M.D. "CATHETER AND MATERIAL SELECTION FOR TRANSARTERIAL EMBOLIZATION: TECHNICAL CONSIDERATIONS" RADIOLOGY, SEPTEMBER 1979; PAGES 631 - 639. |
| | O.A. BATTISTA, ET AL. JOURNAL OF APPLIED POLYMER SCIENCE 1967 "COLLOIDAL MACROMOLECULAR PHENOMENA. PART II. NOVEL MICROCRYSTALS OF POLYMERS" PAGES 481 - 498. |

EXAMINER

DATE CONSIDERED

EXAMINER Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication with applicant.

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| | | | | APPLICANT DANIEL R. KURZ | | | |
| | | | | FILING DATE Dec 8, 2003 | | GROUP 3731 | |
| U.S. PATENT DOCUMENTS | | | | | | | |
| EXAMINER INITIAL | | DOCUMENT NUMBER | DATE | NAME | CL ASS | SUB CLASS | FILING DATE IF APPLICABLE |
| | | 5,336,205 | AUGUST 9, 1994 | ZENZEN ET AL. | | | |
| | | 5,350,397 | SEPTEMBER 27, 1994 | PALERMO ET AL. | | | |
| | | 5,354,295 | OCTOBER 11, 1994 | GUGLIELMI ET AL | | | |
| | | 5,312,415 | MAY 17, 1994 | PALERMO | | | |
| | | 5,639,277 | JUNE 17, 1997 | MARIANT ET AL. | | | |
| | | 5,649,949 | JULY 22, 1997 | WALLACE ET AL. | | | |
| | | 5,222,969 | JUNE 29, 1993 | GILLIS | | | |
| | | 5,607,445 | MARCH 4, 1997 | SUMMERS | | | |
| | | 5,667,522 | SEPTEMBER 16, 1997 | FLOMENBLIT ET AL. | | | |
| | | 5,514,176 | MAY 7, 1996 | BOSLEY, JR. | | | |
| | | 5,582,619 | DECEMBER 10, 1996 | KEN | | | |
| FOREIGN PATENT DOCUMENTS | | | | | | | |
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| | | | | | | | |
| OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) | | | | | | | |
| REFERENCES | SADEK K. HILAL, M.D. ET AL. JOURNAL OF NEUROLOGICAL SURGERY "THERAPEUTIC PERCUTANEOUS EMBOLIZATION FOR EXTRA-AXIAL VASCULAR LESIONS OF THE HEAD, NECK AND SPINE" SEPTEMBER, 1975; PAGES 275 - 287. | | | | | | |
| | STEPHEN L. KAUFMAN, M.D. ET AL. INVESTIGATIVE RADIOLOGY, MAY-JUNE 1978 "TRANSCATHETER EMBOLIZATION WITH MICROFIBRILLAR COLLAGEN IN SWINE"; PAGES 200-204 | | | | | | |
| | ASHOK J. KUMAR, ET AL., JOURNAL OF NEURORADIOLOGY (1982) "PREOPERATIVE EMBOLIZATION OF HYPERVASCULAR HEAD AND NECK NEOPLASMS USING MICROFIBRILLAR COLLAGEN", PAGES 163 -168. | | | | | | |
| | RICHARD E. LATCHAW, M.D. ET AL., RADIOLOGY (1979) "POLYVINYL FOAM EMBOLIZATION OF VASCULAR AND NEOPLASTIC LESIONS OF THE HEAD, NECK AND SPINE" PAGES 669 - 679. | | | | | | |
| | STEWART R. REUTER, M.D. ET AL. AMERICAN JOURNAL OF RADIOLOGY, SEPTEMBER 1975 "SELECTIVE ARTERIAL EMBOLIZATION FOR CONTROL OF MASSIVE UPPER GASTROINTESTINAL BLEEDING" PAGES 119 - 126. | | | | | | |
| | | | | | | | |
| EXAMINER | | | | DATE CONSIDERED | | | |
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| U.S. PATENT DOCUMENTS | | | | | | | |
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| EXAMINER INITIAL | DOCUMENT NUMBER | DATE | NAME | CLASS | SUB CLASS | FILING DATE IF APPLICABLE | |
| | | | | | | | |
| | 5,562,641 | OCTOBER 8, 1996 | FLOMENBLIT ET AL. | | | | |
| | 5,549,624 | AUGUST 27, 1996 | MIRIGIAN ET AL. | | | | |
| | 5,226,911 | JULY 13, 1993 | CHEE ET AL. | | | | |
| | 5,690,666 | NOVEMBER 25, 1997 | BERENSTEIN ET AL. | | | | |
| | 5,522,836 | JUNE 4, 1996 | PALERMO | | | | |
| | 5,569,245 | OCTOBER 29, 1996 | GUGLIELMI ET AL. | | | | |
| | 4,768,507 | SEPTEMBER 6, 1988 | FISCHELL ET AL. | | | | |
| | 4,795,458 | JANUARY 3, 1989 | REGAN | | | | |
| | 4,800,882 | JANUARY 31, 1989 | GIAN TURCO | | | | |
| | 4,813,925 | MARCH 21, 1989 | ANDERSON, JR. ET AL. | | | | |

| FOREIGN PATENT DOCUMENTS | | | | | | | |
|--------------------------|------|---------|-------|-----------|-------------|----|--|
| DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUB CLASS | TRANSLATION | | |
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| OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) | |
|--|--|
| | GLENN H. ROBERSON, ET AL., AMERICAN JOURNAL OF RADIOLOGY, OCTOBER 1979 "THERAPEUTIC EMBOLIZATION OF JUVENILE ANGIOFIBROMA" PAGES 657 -663 |
| | SIDNEY WALLACE, M.D. ET AL., CANCER, OCTOBER 1979 "ARTERIAL OCCLUSION OF PELVIC BONE TUMORS"; PAGES 322-325 & 661-663 |
| ARTICLES | "MECHANICAL DEVICES FOR ARTERIAL OCCLUSION" BY C. GIAN TURCO, M.D., ET AL., JULY 1975 PAGES 428 - 435 |
| | "THERAPEUTIC VASCULAR OCCLUSION UTILIZING STEEL COIL TECHNIQUE: CLINICAL APPLICATIONS" BY SIDNEY WALLACE, ET AL., AM J. ROENTGENOL (1976); PAGES 381-387 |
| | "TRANSCATHETER INTRAVASCULAR COIL OCCLUSION OF EXPERIMENTAL ARTERIOVENOUS FISTULAS", BY JAMES H. ANDERSON, ET AL., AM. J. ROENTGENOL, NOVEMBER 1977, PAGES 795 -798. |

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| EXAMINER | DATE CONSIDERED |
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|-----------------------|-----------------|--------------------|------------------|-----------|--------------|------------------------------|--|
| EXAMINER INITIAL | DOCUMENT NUMBER | DATE | NAME | CL ASS | SUB CLASS | FILING DATE IF APPLICABLE | |
| | 4,856,516 | AUGUST 15, 1989 | HILLSTEAD | | | | |
| | 4,957,479 | SEPTEMBER 18, 1990 | ROEMER | | | | |
| | 4,990,155 | FEBRUARY 5, 1991 | WILKOFF | | | | |
| | 5,041,084 | AUGUST 20, 1991 | DeVRIES ET AL. | | | | |
| | 5,133,732 | JULY 28, 1992 | WIKTOR | | | | |
| | 5,141,502 | AUGUST 25, 1992 | MACALUSO, JR. | | | | |
| | 5,147,370 | SEPTEMBER 15, 1992 | McNAMARA ET AL. | | | | |
| | 5,160,341 | NOVEMBER 3, 1992 | BRENNEMAN ET AL. | | | | |
| | 5,176,625 | JANUARY 5, 1993 | BRISSON | | | | |
| | 5,183,085 | FEBRUARY 2, 1993 | TIMMERMANS | | | | |
| | 5,690,643 | NOVEMBER 25, 1997 | WIJAY | | | | |

| FOREIGN PATENT DOMENTS | | | | | | | |
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| OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) | |
|--|---|
| ARTICLES | " 'MINI' GIANTURCO STAINLESS STEEL COILS FOR TRANSCATHETER VASCULAR OCCLUSION" BY JAMES H. ANDERSON, ET AL., FROM THE DEPARTMENT OF DIAGNOSTIC RADIOLOGY AT THE UNIVERSITY OF TEXAS SYSTEM CANCER CENTER, AUGUST 1978, PAGES 301 - 303. |
| | "A NEW IMPROVED COIL FOR TAPERED-TIP CATHETER FOR ARTERIAL OCCLUSION" BY VINCENT P. CHUANG, M.D., ET AL., MAY 1980, PAGES 507 - 509 |
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|-----------------------|-----------------|------------------|------------------|-------|-----------|---------------------------|--|
| EXAMINER INITIAL | DOCUMENT NUMBER | DATE | NAME | CLASS | SUB CLASS | FILING DATE IF APPLICABLE | |
| | 5,624,461 | APRIL 29, 1997 | MARIANT | | | | |
| | 5,637,113 | JUNE 10, 1997 | TARTAGLIA ET AL. | | | | |
| | 5,690,671 | NOVEMBER 1997 | McGURK ET AL. | | | | |
| | 5,643,254 | JULY 1, 1997 | SCHELDRUP ET AL. | | | | |
| | 5,676,697 | OCTOBER 14, 1997 | McDONALD | | | | |
| | 5,234,456 | AUGUST 10, 1993 | SILVESTRINI | | | | |
| | 5,304,194 | APRIL 19, 1994 | CHEE ET AL. | | | | |
| | 5,342,387 | AUGUST 30, 1994 | SUMMERS | | | | |
| | 5,382,259 | JANUARY 17, 1995 | PHELPS ET AL. | | | | |
| | 5,441,516 | AUGUST 15, 1995 | WANG ET AL. | | | | |
| | 5,443,478 | AUGUST 22, 1995 | PURDY | | | | |

| FOREIGN PATENT DOCUMENTS | | | | | | | |
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| OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) | |
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| EXAMINER INITIAL | RETRIEVABLE GIANTURCO-COIL INTRODUCER, By Jeffrey Hawkins, Ronald G. Quisling, MD, J. Parker Mickle, MD and Irvin F. Hawkins, MD (Radiology 1986) from the Depts. of Radiology and Neurosurgery, University of Florida Medical Center and Hawk Prototype Equipment, Gainesville, FL. |
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|-----------------------|-----------------|-------------------|-------------------|-------|-----------|---------------------------|--|
| EXAMINER INITIAL | DOCUMENT NUMBER | DATE | NAME | CLASS | SUB CLASS | FILING DATE IF APPLICABLE | |
| | 1,341,052 | MAY 25, 1920 | F. G. GALE | | | | |
| | 1,667,730 | MAY 1, 1928 | J. BIRCHARD GREEN | | | | |
| | 2,078,182 | APRIL 20, 1937 | A.E. MacFARLAND | | | | |
| | 2,549,335 | APRIL 17, 1951 | M. RAHTHUS | | | | |
| | 3,649,224 | MARCH 14, 1972 | ANDERSON ET AL. | | | | |
| | 3,334,629 | AUGUST 8, 1967 | B.D. COHN | | | | |
| | 4,655,771 | APRIL 7, 1987 | WALLSTEN | | | | |
| | 4,718,907 | JANUARY 12, 1988 | KARWOSKI ET AL. | | | | |
| | 4,830,003 | MAY 16, 1989 | WOLFF ET AL. | | | | |
| | 5,071,407 | DECEMBER 10, 1991 | TERMIN ET AL. | | | | |
| | 4,638,803 | JANUARY 27, 1987 | RAND | | | | |

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| | | 4,820,298 | APRIL 11, 1989 | LEVEEN ET AL. | | | |
| | | 4,850,960 | JULY 25, 1989 | GRAYZEL | | | |
| | | 4,954,126 | SEPTEMBER 4, 1990 | WALLSTEN | | | |
| | | 4,957,501 | SEPTEMBER 18, 1990 | LAHILLE ET AL. | | | |
| | | 5,064,435 | NOVEMBER 12, 1991 | PORTER | | | |
| | | 5,104,404 | APRIL 14, 1992 | WOLFF | | | |
| | | 5,133,731 | JULY 28, 1992 | BUTLER ET AL. | | | |
| | | | | | | | |
| | | 5,151,105 | SEPTEMBER 29, 1992 | KWAN-GETT | | | |
| | | 5,176,661 | JANUARY 5, 1993 | EVARD ET AL. | | | |
| | | 5,186,992 | FEBRUARY 16, 1993 | KITE, III | | | |
| | | 5,203,772 | APRIL 20, 1993 | HAMMERSLAG ET AL. | | | |

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STATEMENT BY APPLICANT**

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Sheet 9 of 10

Complete if Known

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| Application Number | 10/731,631 |
| Filing Date | December 8, 2003 |
| First Named Inventor | Daniel R. Kurz |
| Art Unit | 3731 |
| Examiner Name | Uyen T. Ho. |
| Attorney Docket Number | MICRU 66414 |

U.S. PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Document Number | | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|-----------------------|--------------------------|-----------------|--------------------------------------|--------------------------------|--|---|
| | | Number | Kind Code ² (if known) | | | |
| | | US- 4,327,734 | | 05-04-1982 | White, Jr. | |
| | | US- 4,402,319 | | 09-06-1983 | Handa et al. | |
| | | US- 4,545,367 | | 10-08-1985 | Tucci | |
| | | US- 4,732,152 | | 03-22-1988 | Wallsten et al. | |
| | | US- 5,002,556 | | 03-26-1991 | Ishida et al. | |
| | | US- 5,109,867 | | 05-05-1992 | Twyford, Jr. | |
| | | US- 5,261,916 | | 11-16-1993 | Engelson | |
| | | US- 5,341,818 | | 08-30-1994 | Abrams et al. | |
| | | US- 5,562,698 | | 10-08-1996 | Parker | |
| | | US- 5,645,564 | | 07-08-1997 | Northrup et al. | |
| | | US- 5,695,111 | | 12-09-1997 | Nanis et al. | |
| | | US- 5,733,294 | | 03-31-1998 | Forber et al. | |
| | | US- 5,766,160 | | 06-1998 | Samson et al. | |
| | | US- 5,944,733 | | 08-31-1999 | Engelson | |
| | | US- 6,102,932 | | 08-2000 | Kurz | |
| | | US- 6,168,570 | | 06-1998 | Samson et al. | |
| | | US- 6,224,610 | | 05-2001 | Ferrera | |
| | | US- | | | | |
| | | US- | | | | |
| | | US- | | | | |

FOREIGN PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | | | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T ⁶ |
|-----------------------|--------------------------|-------------------------|---------------------|---------------------------------|--------------------------------|--|--|----------------|
| | | Office ³ | Number ⁴ | Kind ⁵ (if known) | | | | |
| | | EP | 0 358 767 A1 | | 03-21-1990 | | | |
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| | | | | | |
|--|--|--------------------------|----------------|------------------------|-------------|
| Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) | | Complete if Known | | | |
| | | Application Number | 10/731,631 | | |
| | | Filing Date | Dec. 8, 2003 | | |
| | | First Named Inventor | Daniel R. Kurz | | |
| | | Group Art Unit | 3731 | | |
| | | Examiner Name | Yuen T. Ho | | |
| Sheet 10 | | of | 10 | Attorney Docket Number | MITRU 66414 |

| U.S. PATENT DOCUMENTS | | | | | | |
|-----------------------|-------------|--------------------------|-------------------------|--|--|--|
| Examiner Initials | Cite No. | U.S. Patent Document No. | | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
| | | Number | Kind Code (if Known) | | | |
| | | 5,609,608 | | BENETT ET AL. | | |
| | | | | | | |
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| FOREIGN PATENT DOCUMENTS | | | | | | | | |
|--------------------------|-------------|-------------------------|--------------|----------------------------|--|--|--|---|
| Examiner Initials | Cite No. | Foreign Patent Document | | | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T |
| | | Office | Number | Kind Code (If Known) | | | | |
| | | PCT | WO 97/01368 | | Trimedyn, Inc. | 01/16/97 | | |
| | | PCT | WO 98/02100 | | Anson Medical Limited | 01/22/98 | | |
| | | PCT | WO 99/32037 | | Boston Scientific Limited | 07/01/99 | | |
| | | EP | 0 941 700 A1 | | Cordis Corporation | 09/15/99 | | |
| | | PCT | WO 00/12015 | | Micrus Corporation | 03/03/00 | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
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| OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS | | | |
|---|-------------|--|---|
| Examiner Initials | Cite No. | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published | T |
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|-----------------------|--|--------------------|--|
| Examiner Signature | | Date Considered | |
|-----------------------|--|--------------------|--|

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